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Tsutomu Nakamura

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

FISCHER, JUSTIN R

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1791

Continuation of 11: Applicant argues that the examiner provides no reasoning whatsoever to support the position that Nakagawa teaches a “preferred range” between 5-30 cords per 25 mm. The examiner has enclosed a machine translation of Nakagawa to support the aforementioned position (see Paragraph 38). It is agreed that the reference suggests that a cord density above 30 cords per 25 mm results in a higher rigidity; however, a fair reading of the reference as a whole suggests that while values above 30 cords per 25 mm might not represent the optimum cord density, such values are within the scope of the reference (non-preferred embodiments). It is well taken that a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including non-preferred embodiments (MPEP 2123). It is emphasized that the disclosed range of 5-30 cords per 25 mm is described in terms of a “preferred range” and the suggestion that higher rigidities are obtained above 30 cords per 25 mm does not teach away from the use of such cords (simply suggests that higher cord densities do not constitute the preferred arrangement but do constitute a suitable construction). Lastly, it is noted that applicant has not provided a conclusive showing of unexpected results to establish a criticality for the claimed cord density.

/Justin R Fischer/
Primary Examiner, Art Unit 1791
August 29, 2008